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OFFICE OF PETITIONS

In re Carson et al.

Application No. 09/313,048

Patent No. 6,930,101 Filing Date: October 16, 2000

Attorney Docket: 103.009US1

RECONSIDERATION OF

PATENT TERM ADJUSTMENT

This decision is in response to applicant's "LETTER ADVISING OF INAPPROPRIATELY LONG PATENT TERM ADJUSTMENT" filed October 11, 2005, 2005 requesting that the PTA determination at the time of the issuance of the patent be adjusted from EIGHT HUNDRED AND THIRTY-THREE(833) days to a determination SEVEN HUNDRED AND TWELVE (712) days. The Office thanks applicants for their good faith and candor in bringing this to the attention of the Office.

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Applicants' request for PTA reconsideration is **GRANTED.** The Office will sua sponte issue a certificate of correction in the amount of 712 days. In addition, the Office will adjust the PAIR calculation to reflect this decision.

Applicants assert that the determination of 833 days is incorrect. Applicants believe the proper amount of USPTO delays are 196 + 330 + 233 days for a total of 759 days. Applicants also assert that the proper amount of USPTO delay is 47(6 + 5 +36=47)days. Applicants dispute the 120 reduction under37 CFR 1.704(c)(10) in that the "miscellaneous incoming letter" was actually an applicant response to an interview summary. Applicants also believe the 241 days overlaps with the 330 days and accordingly should not be additional granted.

Applicants' arguments are correct for the exact reasons stated by applicants. The record reflects that the paper submitted on July 19, 2004 is a response to the examiner's interview summary. The submission of such paper in this instance is not a failure to engage in reasonable efforts to conclude prosecution of the application. The 120 day reduction is in error. Moreover, the

correct amount of Office delay is 759 days as asserted by applicants. Accordingly, 712 (759-47= 712) days is accurate.

After the mailing of this decision, the Office will forward this application to the certificate of correction branch to issue a certificate of correction.

The Office has not assessed the \$200.00 fee for the submission of this letter regarding PTA. The Office thanks for good faith and candor bringing this matter to the attention of the Office.

Any questions concerning this application should be directed to Kery Fries at 571-272-7757.

Kery Fries

Senior Legal Advisor

Office of Patent Legal Administration

Office of Deputy Commissioner

for Patent Examination Policy

cc: Adjusted PAIR calculation
Draft Cert. Of Correction

DRAFT

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT

6,930,101 B1

DATED

August 16, 2005

INVENTOR(S):

Carson et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (833) days

Delete the phrase "by 833 days" and insert - by 712 days--

Day: Wednesday



Date: 7/19/2006 Time: 15:44:46

PTA Calculations for Application: <u>09/313048</u>					
Application Filing Date:	05/17/1999	PTO Delay (PTO):	670		
Issue Date of Patent:	08/16/2005	Three Years:	0		
Pre-Issue Petitions:	0	Applicant Delay (APPL):	167		
Post-Issue Petitions:	0	Total PTA (days):	712		
PTO Delay Adjustment:	209				

File Contents History					
Number	Date	Contents Description	PTO	APPL	START
97	07/19/2006	ADJUSTMENT OF PTA CALCULATION BY PTO		121	
92.5	07/27/2005	PTA 36 MONTHS	241		
92	08/16/2005	PATENT ISSUE DATE USED IN PTA CALCULATION	196		89
91	07/18/2005	RECEIPT INTO PUBS			
90	07/15/2005	DISPATCH TO FDC			
89	10/01/2004	ISSUE FEE PAYMENT VERIFIED		6	79
88	06/16/2005	RECEIPT INTO PUBS			
87	06/14/2005	RECORD A PETITION DECISION OF GRANTED FOR PATENT TERM ADJUSTMENT AFTER ALLOWANCE			
87	06/14/2005	RECORD A PETITION DECISION OF GRANTED FOR PATENT TERM ADJUSTMENT AFTER ALLOWANCE			
86	06/13/2005	ADJUSTMENT OF PTA CALCULATION BY PTO			
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85	06/13/2005	ADJUSTMENT OF PTA CALCULATION BY PTO	333		
84	09/27/2004	PETITION ENTERED			
83	07/19/2004	MISCELLANEOUS INCOMING LETTER		120	
82	03/24/2005	RECEIPT INTO PUBS			
81	09/27/2004	ISSUE FEE PAYMENT RECEIVED][
80	07/14/2004	WORKFLOW - FILE SENT TO CONTRACTOR			
79	06/25/2004	MAIL NOTICE OF ALLOWANCE			
78	06/24/2004	ISSUE REVISION COMPLETED			
77	06/24/2004	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
76	06/24/2004	CASE DOCKETED TO EXAMINER IN GAU			

75	06/24/2004	NOTICE OF ALLOWABILITY			
74	06/18/2004	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
73		MAIL ADVISORY ACTION (PTOL - 303)			
72	04/28/2004	ADVISORY ACTION (PTOL-303)			
71	04/22/2004	DATE FORWARDED TO EXAMINER			
70	04/19/2004	AMENDMENT AFTER FINAL REJECTION		5	68
69	04/19/2004	WORKFLOW INCOMING AMENDMENT IFW			
68	01/14/2004	MAIL FINAL REJECTION (PTOL - 326)			
67	01/12/2004	FINAL REJECTION			
66	12/08/2003	DATE FORWARDED TO EXAMINER			
65	11/07/2003	RESPONSE AFTER NON-FINAL ACTION		36	61
64	11	REQUEST FOR EXTENSION OF TIME - GRANTED			
62	07/23/2002	OATH OR DECLARATION FILED (INCLUDING SUPPLEMENTAL)			
61	07/02/2003	MAIL NON-FINAL REJECTION	233		58
60	07/01/2003	NON-FINAL REJECTION			
59	07/11/2002	RESPONSE TO 37 CFR 1.251 NOTICE - PAPERS PROVIDED FOR FILE RECONSTRUCTION			
58	07/11/2002	RESPONSE TO 37 CFR 1.251 NOTICE - PAPERS PROVIDED FOR FILE RECONSTRUCTION			
57	10/16/2000	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
56	06/30/2003	DATE FORWARDED TO EXAMINER			
55	10/16/2000	CONTINUING PROSECUTION APPLICATION - CONTINUATION (ACPA)			
54	06/30/2003	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
53	06/30/2003	DATE FORWARDED TO EXAMINER			
52	06/30/2003	WITHDRAWAL OF NOTICE OF ALLOWANCE			
47	06/20/2003	CASE DOCKETED TO EXAMINER IN GAU			
46	05/29/2003	MERGED RECONSTRUCTED FILE INTO FOUND FILE.			
45	04/11/2002	MAIL RECONSTRUCTION NOTICE - PENDING APPLICATION			
44	04/11/2002	MAIL RECONSTRUCTION NOTICE - PENDING APPLICATION			
43	04/10/2002	RECONSTRUCTION NOTICE UNDER 37 CFR 1.251 - PENDING APPLICATION			

42	04/10/2002	RECONSTRUCTION NOTICE UNDER 37 CFR 1.251 - PENDING APPLICATION		
41	04/10/2002	RECONSTRUCTION OF FILE - BEGIN		
40	02/27/2002	FILE MARKED LOST		
38	09/05/2001	CASE FOUND		
37	09/05/2001	TERMINATION OF OFFICIAL SEARCH		
36	01/24/2001	PETITION FLAG SET AT PETITIONS OFFICE		
35	11/01/2000	OFFICIAL SEARCH CONDUCTED		
34	11/01/2000	CASE REPORTED LOST		

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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